



Home Office

# **Country Information and Guidance**

## **Vietnam: Ethnic Minority Groups**

December 2014

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Vietnam. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office’s internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Section 1: Guidance

Date updated: 7 November 2014

## 1.1 Basis of Claim

- 1.1.1 Fear of ill-treatment or discrimination amounting to persecution at the hands of the ordinary Vietnamese non-state actors and/or the Vietnamese authorities due to their ethnicity.
- 1.1.2 For the purposes of this instruction, a minority ethnic group is taken to include:
- Citizens of Vietnam where they have the status of a minority
  - Individuals perceived to having membership of official ethnic groups, including, Kinh (Viet), Tay, Thai, Muong, Khmer Krom, Mong and Nung.
  - Individuals whose culture, language, religion and race are distinct from that of the majority of the population
  - Individuals having the tendency to marry within the group
  - Individuals from minority groups who experience discrimination and violence because of their ethnicity.

See also:

- ▶ [Country Information](#)

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## 1.2 Summary of Issues

- ▶ Is the person's account a credible one?
- ▶ Are members of ethnic minority groups at risk of mistreatment or harm in Vietnam?
- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Vietnam?

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## 1.3 Consideration of Issues

Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the material facts relating to the person's account of their experiences based on their ethnicity is internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information or expert evidence) to the lower standard of proof. Decision makers should take into account all mitigating reasons why an applicant is inconsistent or unable to provide details of material facts such as age; gender; mental or emotional trauma; fear and/or mistrust of authorities; education, feelings of shame; painful memories particularly those of a sexual nature and cultural implications.

See also:

- ▶ [Country Information](#)

- ▶ [Asylum Instruction on Considering Protection \(Asylum\) Claims and Assessing Credibility](#)

Claims based on membership of an ethnic minority often overlap with claims based on membership of a religious minority and/or opposition to the government. Decision makers should therefore also refer to Country Information and Guidance on:

- ▶ [Vietnam: Religious Minority Groups](#)
- ▶ [Vietnam: Opposition to the Government](#)

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### Are members of ethnic minority groups at risk of mistreatment or harm in Vietnam?

- 1.3.2 The law prohibits discrimination against ethnic minorities but societal discrimination against ethnic minorities persists in Vietnam, including some unofficial restrictions on employment and access to education. The Vietnamese government has made considerable efforts to reduce poverty across all population groups, yet the ethnic minorities remain disproportionately the poorest and most vulnerable citizens of Vietnam, particularly in relation to employment, education and health.
- 1.3.3 However in general the level of societal discrimination faced by members of ethnic minority groups in Vietnam is not such that it will in general reach the level of being persecutory or otherwise inhuman or degrading treatment.
- 1.3.4 In an attempt to address the causes of ethnic minority discontent the government has provided special programs to improve education, health facilities and expand road access and electrification of rural communities and villages. The government also continued to allocate land to ethnic minorities in the Central Highlands through a special program, but implementation is reported to be uneven. Despite these measures, minorities are often denigrated or misrepresented in state controlled media and the Vietnamese government continues to restrict minority groups' ability to practice their right to religion, education and language. Peaceful protests and gatherings have been violently suppressed and minority and indigenous activists are often censored, arbitrarily arrested and subjected to unfair trials. Minority groups face arbitrary detention for activities that constitute their peaceful practice of religion and freedom of expression, and ill-treatment including deaths, in detention.
- 1.3.5 Some Christian and Buddhist among Khmer Krom, Degar (Montagnard) and Hmong are doubly discriminated owing to both their ethnicity and religion. The Vietnamese government continues to imprison individuals for religious activity or religious freedom advocacy and seeks to stop the growth of ethnic minority Protestantism and Catholicism through discrimination, and forced renunciations of their faith. The authorities monitor ethnic groups in the Central and Northwest Highlands, where it continued to claim that practicing a minority faith encouraged separatism.
- 1.3.6 The Vietnamese government considers that some Montagnards, an ethnic minority in the Central Highlands, are operating Protestant organisations which advocate separatism for ethnic minorities. The SECV [Southern Evangelical Church of Vietnam] and house churches reportedly experience government scrutiny because of the perceived association with separatist groups overseas. Followers of the unsanctioned Church of Christ have reported that police had pressured the followers to abandon the church, and that police stated the church was connected with FULRO (Front Unifié pour la Libération des Races Opprimées), which the government considers a minority separatist organisation.

- 1.3.7 It has been reported that in addition to 212 political prisoners behind bars in Vietnam, many more are being held under house arrest. Among those incarcerated are members of ethnic and religious minorities, including Hmong, Buddhist Khmer Krom, and Christian Montagnards with many serving lengthy prison terms in extremely poor detention conditions.
- 1.3.8 Members of minority ethnic groups who are perceived to advocate separatism and who are likely to come to the adverse attention of the authorities on return to Vietnam are likely to face a real risk of persecution on account of their activities..

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### Are those at risk able to seek effective protection?

- 1.3.9 Where the person's fear of ill treatment is by the state authorities, they would be unable to apply to these authorities for protection. Vietnam does not recognize that indigenous communities have customary ties to their lands and natural resources. Discrimination on ethnic grounds is prohibited in law denigrated in Vietnam, but whilst the Government has established programmes to address the social and economical inequalities faced by many ethnic minorities, concerns remain over the inclusivity of the process and there is little available information on government enforcement measures in individual cases where a person complains of discrimination. There are reports of incidents of local officials in some provinces, notably in the highlands, acting in contravention of national laws to discriminate against members of ethnic and religious minority groups.
- 1.3.10 Furthermore concerns have been expressed about the lack of independence, impartiality and transparency in the legal and judicial system.

Decision makers must assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past ill-treatment and past lack of effective redress or protection may indicate that effective protection would not be available in the future. The onus is on the person to demonstrate why they believe they would be unable to access effective protection.

See also:

- ▶ [Country Information](#)
- ▶ Asylum Instruction on [Considering Protection \(Asylum\) Claims and Assessing Credibility](#)

### Are those at risk able to internally relocate within Vietnam?

- 1.3.11 The law allows for freedom of internal movement, although certain persons/groups are limited through government imposed controls. Local police require citizens to register when staying overnight in any location outside of their own homes and the government appear to enforce these requirements more strictly in some Central and Northern Highlands districts. Those who violate the regulations residency are subject to fines. There is regular migration from rural areas to cities. Moving without permission, however, hampers persons seeking legal residence permits, public education, and health-care benefits.

1.3.12 Where the person's fear of ill treatment is by the state authorities, internal relocation will not be available. Where members of ethnic minority groups do encounter local hostility they may be able to avoid this by moving elsewhere in Vietnam, but only if the risk is not present there and if it would not be unduly harsh to expect them to do so.

See also:

- ▶ [Country Information](#)
- ▶ Asylum Instruction on [Internal Relocation](#)

and Country Information and Guidance on:

- ▶ [Vietnam: Religious minority groups](#)
- ▶ [Vietnam: Opposition to the government](#)

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## 1.4 Policy Summary

- Although societal discrimination and social and economical inequalities against ethnic minorities persist in Vietnam including some unofficial restrictions on employment and access to education and healthcare, this discrimination is not such that it will in general on its own reach the level of being persecutory or otherwise inhuman or degrading treatment.
- If a person is at real risk from non state agents or local officials in their home area, they would in general be able to relocate to a part of the country where they would not be at risk if it would not be unreasonable to expect them to do so.
- Members of ethnic minority groups who practice a minority faith, promote religious freedom or are otherwise involved in activities which are perceived by the government to advocate separatism and are likely to have come to the attention of the authorities will face a serious risk of persecution. In such cases a grant of asylum will normally be appropriate.
- Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

See also the Asylum Instruction(s) on:

- ▶ [Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#)
- ▶ [Humanitarian Protection](#)
- ▶ [Discretionary Leave](#)
- ▶ [Internal Relocation](#)

and Country Information and Guidance on:

- ▶ [Vietnam: Religious minority groups](#)
- ▶ [Vietnam: Opposition to the government](#)

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## Section 2: Information

Claims based on membership of an ethnic minority often overlap with claims based on membership of a religious minority and/or opposition to the government. Decision makers should therefore also refer to Country Information and Guidance on:

- ▶ [Vietnam: Religious Minority Groups](#)
- ▶ [Vietnam: Opposition to the Government](#)

### 2.1 Background

2.1.1 Ethnic minorities accounted for approximately fourteen per cent of Vietnam's population<sup>1</sup> which the Central Intelligence Agency (CIA) cited as numbering 93,421,835, (estimated as at July 2014); and measured ethnic minority groups as being made up of 85.7 per cent Kinh (Viet), 1.9 per cent Tay, 1.8 per cent Thai, 1.5 per cent Muong, 1.5 per cent Khmer, 1.2 per cent Mong, 1.1 per cent Nung and 5.3 per cent others (based on 1999 census)<sup>2</sup>

2.1.2 The Minority Rights Group International (MRGI), undated Overview on Vietnam, added that:

'Ethnic Kinh tended to be concentrated in about half of the country's territory, especially in coastal and low-lying areas, and have been engaged in intensive irrigated-rice cultivation and fishing, though that pattern is increasingly changing.

'Most of the remaining 53 official ethnic groups (though not all of the country's minorities are part of this officially recognized list) inhabit the interior mountainous and highlands, though some, such as the Khmer Krom, Hoa and Lao, are concentrated in the cities or lowlands. Most of the other many remaining minorities tend to live in the mountains of the north, down the Truong Son mountain range, and in the central highlands. These include a huge diversity in terms of languages, origins, religions and even scripts used, and according to the 1999 Census represented 13.8 per cent of the country's population, or 10.5 million people.

'The three largest minorities are the Tay, who belong to the central Tai-Kadai language group and are located in the north of Vietnam where their villages tend to be based at the feet of mountains with about 15-20 households each; the closely related Thai are believed to have arrived in Vietnam earlier than the Tay, and they are concentrated in the north-west and western parts of north Vietnam. The Muong also inhabit the mountainous region of northern Vietnam, and are generally found in Hoa Binh and Thanh Hoa province. Their language is a Vietic language, closely related to Vietnamese.

'The fourth largest minority are the Khmer Krom, and they are now thought to number more than 1.3 million people and are found concentrated in the south, in the delta region of the Mekong River. They are ethnic Khmer and are often considered to be indigenous, as they have inhabited the Mekong delta since before the arrival of the Vietnamese. Their

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<sup>1</sup> US State Department (USSD), International Religious Freedom Report 2013: Vietnam. 28 July 2014, (Section I. Religious Demography), <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222181#wrapper>, date accessed 1 August 2014

<sup>2</sup> CIA World Factbook, Vietnam, (People and Society), updated 20 June 2014, date accessed 9 October 2014 <https://www.cia.gov/library/publications/the-world-factbook/geos/vm.html>, date accessed 15 September 2014

language, Khmer, is part of the Mon-Khmer branch of Austroasiatic languages, and most of them are Buddhists.’<sup>3</sup>

2.1.3 The Unrepresented Nations and Peoples Organization reported in March 2014 that, ‘In the Northern Highlands 60.1% of the population lives under the poverty line, in the Central Highlands the rate is 32.8%, while in the Mekong Delta is 18.7%. Some of these figures might not seem alarming compared to the national average of 20.7%. However, statistics show that 93.3% of the Hmong, around 80% of the Degar and 43.2% of the Khmer Krom live under the poverty line... One of the main reasons behind the high poverty rates among indigenous and minority groups in the Highlands and the Mekong Delta are land-grabbing and landlessness. The Hmong, Degar and Khmer Krom are highly dependent on their lands for agriculture and subsistence’.<sup>4</sup> The Vietnam Women Union noted that rural and ethnic minority women lacked opportunities to get access to information, educational and healthcare services.<sup>5</sup>

2.1.4 The November 2013 OHCHR [Office of the High Commissioner for Human Rights] compilation to the Human Rights Council noted that

‘CERD [Committee on the Elimination of Racial Discrimination in 2012] was deeply concerned about the socio-economic gap between disadvantaged ethnic minorities and the majority Kinh and its negative impact on indigenous and minority groups, particularly in employment, education and health. CERD was concerned at discrimination and restriction on religious practices faced by some Christian and Buddhist among Khmer Krom, Degar (Montagnard) and Hmong, recommending that Viet Nam address the double discrimination faced by ethnic minorities from unrecognized religious groups and ensure their rights to freely practice religion... CERD was concerned at violent attacks and threats against ethnic and religious groups, recommending that Viet Nam investigate such reports... CERD was concerned at arrests of minority groups and arbitrary detention for activities that constituted their peaceful practice of religion and freedom of expression, and their ill treatment in custody, as well as lack of investigation and effective remedies for victims.’<sup>6</sup>

2.1.5 The United Kingdom: Foreign and Commonwealth Office (FCO), 2013 Human Rights and Democracy Report - Vietnam, 10 April 2014

‘Vietnam’s record on economic growth and poverty reduction has been remarkable, but some ethnic minorities have benefitted less. The UK includes a particular focus on Vietnamese ethnic minorities in its development programmes, including efforts to monitor and increase awareness about the remaining challenges as well as support to the education and social assistance system. In 2013 the UK has been supporting a coalition that includes individuals from ethnic minorities, focused on increasing the ability of forest

<sup>3</sup> Minority Rights Group International, Vietnam Overview, (Peoples), undated, <http://www.minorityrights.org/2318/vietnam/vietnam-overview.html>, date accessed 15 September 2014

<sup>4</sup> Unrepresented Nations and Peoples Organization (UNPO) <http://unpo.org/>, Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014 [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

<sup>5</sup> UN Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 7 November 2013, paragraph 15 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/VNSession18.aspx> date accessed 10 October 2014

<sup>6</sup> UN Human Rights Council <http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21; Viet Nam [A/HRC/WG.6/18/VNM/2], 7 November 2013, paragraphs 26, 27, 34, 37 [http://www.ecoi.net/file\\_upload/1930\\_1391082200\\_g1318445.pdf](http://www.ecoi.net/file_upload/1930_1391082200_g1318445.pdf) date accessed 1 August 2014

communities to actively lobby for their rights to be heard and incorporated into the upcoming revision of the forest development and protection law.’<sup>7</sup>

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## 2.2 Protections in law

2.2.1 The US State Department’s 2013 Country Report on Human Rights Practices (USSD Report 2013), Vietnam, published on 27 February 2014, noted that:

‘The law prohibits discrimination against ethnic minorities, but there was no information available on government enforcement measures. Societal discrimination against ethnic minorities has been longstanding and persistent. Local officials in some provinces, notably in the highlands, acted in contravention of national laws to discriminate against members of ethnic and religious minority groups. Despite the country’s significant economic growth, some ethnic minority communities benefited little from improved economic conditions, even though ethnic minority group members formed a majority of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta.’<sup>8</sup>

2.2.2 The Unrepresented Nations and Peoples Organization reports that, ‘Vietnam does not recognize the indigeneity of either the Khmer Krom or Montagnards despite having endorsed and ratified the Declaration on the Rights of Indigenous Peoples (UNDRIP). This deprives Khmer Krom and Montagnards of the special protection otherwise offered by the Vietnamese law.’<sup>9</sup>

2.2.3 Minority Rights Group International’s (MRGI) 2014 annual report noted that the government was considering a series of reforms to its 2003 Land Law. It also stated however, that:

‘... the party’s constitutional reform committee quickly rebuffed requests to sanction the private ownership of land in the communist state. Instead, the government reaffirmed the arbitrary seizure of land for purposes of ‘socio-economic development’, which is likely to have a devastating impact on minorities living in resource-rich areas. Vietnam does not recognize that indigenous communities have customary ties to their lands and natural resources, even though this is enshrined in international law and considered an essential part of protecting their human rights... During the year, the Communist Party pledged to support minority rights in collaboration with the European Union and other international agencies. Economic development is seen as a key priority for the government, but concerns remain over the inclusivity and sensitivity of the process. Minorities are often denigrated or misrepresented in the state-controlled media. Analysts say this has helped develop a harmful narrative of Vietnam’s minorities, rooted in cultural stereotypes and sensationalism.’<sup>10</sup>

2.2.4 The USSD Report 2013 further stated:

‘The law provides for universal education for children regardless of religion or ethnicity, and members of ethnic minority groups are not required to pay regular school fees. The

<sup>7</sup> United Kingdom: Foreign and Commonwealth Office, 2013 Human Rights and Democracy Report - Vietnam, 10 April 2014, (Minority rights), <http://www.refworld.org/docid/536ccab810.html>, date accessed 3 October 2014

<sup>8</sup> US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, (Section 6 - National/Racial/Ethnic Minorities), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220244#wrapper>, date accessed 11 September 2014

<sup>9</sup> Unrepresented Nations and Peoples Organization (UNPO), Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam, undated <http://www.unpo.org/downloads/796.pdf> date accessed 9 October 2014

<sup>10</sup> Minority Rights Group International, State of the World’s Minorities and Indigenous Peoples 2014, 3 July 2014, <http://www.refworld.org/docid/53ba8dc75.html>, date accessed 9 October 2014

government operated special schools for ethnic minority children, and there were 292 boarding schools for them in 50 provinces, mostly in the Northwest and Central Highlands and the Mekong Delta, including at middle- and high-school levels, plus special admission and preparatory programs as well as scholarships and preferential admissions at the university level. The government also worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta, and only in limited areas of the Northwest Highlands. During the year there were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were some credible cases of educational discrimination against ethnic minorities.

‘The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic-majority (Kinh) officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority cultures and traditions.

‘The government granted preferential treatment to domestic and foreign companies that invested in highland areas populated predominantly by ethnic minorities. The government also maintained infrastructure development programs that targeted poor, largely ethnic-minority areas and established agricultural extension programs for remote rural areas.’<sup>11</sup>

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## 2.3 State treatment of ethnic minorities

### 2.3.1 The United States Commission on International Religious Freedom, USCIRF Annual Report 2014 - Countries of Particular Concern: Vietnam, 30 April 2014, stated:

‘Despite some positive changes over the past decade, the Vietnamese government continues to imprison individuals for religious activity or religious freedom advocacy. It uses a specialized religious police force and vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities, and seeks to stop the growth of ethnic minority Protestantism and Catholicism via discrimination, violence, and forced renunciations of their faith. In the past year, arrests and confrontations with the Catholic Church have escalated tensions...

‘In the past year, the Vietnamese government targeted independent branches of the Cao Dai and Hoa Hao Buddhist church, independent Protestant house churches in the central and northwest highlands, Khmer Krom Buddhist temples, and leaders of the Unified Buddhist Church of Vietnam (UBCV). Relations between Catholics and local government officials in Hanoi, DaNang, Vinh, and Ho Chi Minh City deteriorated as peaceful protests over land disputes led to violence and arrests.’<sup>12</sup>

### 2.3.2 Minority Rights Group International’s 2014 annual report notes that

‘The start of the year marked the introduction of a new decree restricting the practice of non-state-sanctioned religions. This could strengthen the government’s repression of

<sup>11</sup> US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, (Section 6 - National/Racial/Ethnic Minorities), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220244#wrapper>, date accessed 11 September 2014

<sup>12</sup> United States Commission on International Religious, USCIRF Annual Report 2014 - Countries of Particular Concern: Vietnam, 30 April 2014, <http://www.refworld.org/publisher,USCIRF,,,5369e5b414,0.html>, date accessed 11 September 2014



unrecognized or targeted religious groups, including Catholic congregations based in Vietnam's major cities, Christian congregations in ethnic minority (including Degar or Montagnard) areas in central and northern Vietnam, the Unified Buddhist Church and certain Theravada Buddhist sects among the minority Khmer Krom in the Mekong Delta. Critics say the law is aimed at curtailing the social activism of these groups, often relating to land rights in minority regions.'<sup>13</sup>

2.3.3 According to the International Federation for Human Rights, 'It is estimated that there are over 200 political prisoners behind bars in Vietnam and many more are under house arrest. Those incarcerated include lawyers, bloggers, land rights activists, Buddhist monks, journalists, writers, singers, labor activists, pro-democracy campaigners and members of ethnic and religious minorities, including Buddhist Khmer Krom and Christian Hmong and Montagnards'.<sup>14</sup> The November 2013 OHCHR [Office of the High Commissioner for Human Rights] summary submitted to the UN Human Rights Council reports that, 'CIVICUS [CIVICUS: World Alliance for Citizen Participation] noted that dozens of human rights defenders, including civil society activists, land rights activists and religious advocates remained in prison and subjected to extrajudicial forms of detention for their political or religious views.'<sup>15</sup>

2.3.4 The Unrepresented Nations and Peoples Organization (UNPO) report of March 2014, noted that 'Religion is an intrinsic part of the cultural identity of the Degar, Hmong and Khmer Krom groups in Vietnam.'<sup>16</sup> The Society for Threatened People's report further that:

'Legislatively, the government allows freedom of religious belief as well as non-belief. However, the government requires the registration of all activities by religious groups and uses this requirement to restrict activities. Despite some positive changes over the past decade, the Vietnamese government continues to routinely persecute individuals for their religious activity or religious freedom advocacy. The government often refers to article 258 (Abusing democratic freedoms to infringe upon the interests of the State) to imprison followers of religions that are not officially recognized. In addition, decree 92 helps the Vietnamese authorities to reinforce control over religious communities and the spread of religion. Since January 1st 2013, when the decree was updated, each religious community that wishes to gain legal status has to announce and to register every single activity and step of organisation (e.g. ordination and ceremonies, donations, expansions of religious venues). For the government, this gives the opportunity for total control. Furthermore, in order to obtain legal status, the new decree requires that a religious group has to have 20 years or more of "stable" religious meetings, meaning a spotless criminal and administrative record, assessed by a commune-level peoples' committee. In 2013, the targets of persecution were the Unified Buddhist Church of Vietnam, Hoa Hao

<sup>13</sup> Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014, 3 July 2014 <http://www.refworld.org/docid/53ba8dc75.html>, date accessed 9 October 2014

<sup>14</sup> International Federation for Human Rights (FIDH), Vietnam: Blogger Pham Viet Dao sentenced to 15 months in prison, 19 March 2014 <http://www.fidh.org/en/asia/vietnam/14970-vietnam-blogger-pham-viet-dao-sentenced-to-15-months-in-prison> date accessed 9 October 2014

<sup>15</sup> UN Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 7 November 2013, paragraph 23, <http://www.refworld.org/pdfid/52f1fd734.pdf>, date accessed 10 October 2014

<sup>16</sup> Unrepresented Nations and Peoples Organization (UNPO) <http://unpo.org/>, Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014 [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

and Cao Dai, Khmer Buddhists, Catholic and Protestant house churches in the Central Highlands and Hmong Christians.’<sup>17</sup>

### 2.3.5 The UNPO report further reported that:

‘Under the auspices of protecting national security, unity, and solidarity, the Vietnamese government has persistently employed policies of discrimination and repression against indigenous and minority groups. These communities face discrimination both due to their religion and ethnicity. The Vietnamese government discriminates against these groups by denying their right to religion, education, and language, and violently suppresses peaceful protests and gatherings. Minority and indigenous activists are often censored, arbitrarily arrested and subjected to unfair trials. The institutional prejudice and stigma against indigenous and minority groups in Viet Nam becomes clearly evident through the official statements of the government. In the current report submitted to the Committee (UN Committee on Economic, Social and Cultural Rights) as well as previous reports submitted to other UN bodies, ethnic minorities and their socio-economic traditions are presented as “backward” and “superstitious”, as well as the main reason for the economic underdevelopment and social disparities in the regions. Furthermore, these views are further perpetuated and presented to the Vietnamese public by the media, which is almost exclusively under the control of the government. The media presents the poverty and marginalization of minority groups as a result of “internal factors, such as early marriage, high birth rates, drug and alcohol problems, laziness and dependency on government support.”’<sup>18</sup>

### 2.3.6 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated that, ‘Ethnic minorities, who often adhere to minority religions as well, face discrimination in mainstream society, and some local officials restrict their access to schooling and jobs. Minorities generally have little input on development projects that affect their livelihoods and communities.’<sup>19</sup>

### 2.3.7 USSD Report 2013 noted:

‘Some members of ethnic minority groups continued to leave for Cambodia and Thailand. Although some reportedly traveled to seek greater economic opportunities or shortcuts to migration to other countries, others departed because of local political conditions and harassment, including harassment stemming from religious belief. The government maintained increased security measures in the Central and Northwest Highlands because of its concerns with alleged ethnic minority separatist activity. The government also continued to monitor certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands, where it continued to claim that practicing a minority faith encouraged separatism. There continued to be reports that ethnic minority individuals who telephoned ethnic minority community members abroad were a special target of police attention. Authorities arrested and/or convicted several individuals allegedly connected to overseas organizations that the government claimed espoused separatist aims and sentenced them to lengthy prison terms during the year. In addition, an increased security presence was reported around sensitive occasions and

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<sup>17</sup> Society for Threatened Peoples, Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human Rights Council; Human Rights Situation in Viet Nam [A/HRC/26/NGO/60], 4 June 2014 [http://www.ecoi.net/file\\_upload/1930\\_1403702993\\_g1404200.pdf](http://www.ecoi.net/file_upload/1930_1403702993_g1404200.pdf) date accessed 10 October 2014

<sup>18</sup> Unrepresented Nations and Peoples Organization (UNPO), Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014 [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx) date accessed 9 October 2014

<sup>19</sup> Freedom House, Freedom in the World 2013 – Vietnam, January 2013, <http://www.freedomhouse.org/report/freedom-world/2013/vietnam>, date accessed 11 September 2014

holidays throughout the region. There continued to be reports that Vietnamese police operating on both sides of the border returned members of ethnic minorities seeking to enter Cambodia and sometimes beat and detained them.’<sup>20</sup>

- 2.3.8 In an attempt to address the causes of ethnic minority discontent the government provided special programs to improve education, health facilities and expand road access and electrification of rural communities and villages.<sup>21</sup> The USSD Report 2013 also noted that, ‘The government also continued to allocate land to ethnic minorities in the Central Highlands through a special program, but there were continued complaints that implementation was uneven.’<sup>22</sup>
- 2.3.9 The Minority Rights Group International (MRGI) Report, State of the World’s Minorities and Indigenous Peoples 2011, covering events in 2010, published 6 July 2011, stated, that, ‘Statistics continued to show that ethnic minorities are disproportionately represented among Vietnam’s poor. The government has pegged the poverty rate in ethnic minority communities at around 50 per cent – a drop of 36 percentage points since 1993, but still more than triple the national rate. Women from ethnic minority groups also have some of the country’s highest maternal mortality rates.’<sup>23</sup>
- 2.3.10 A Report by Vietnam Committee on Human Rights Member Organisation of the International Federation for Human Rights (FIDH) Geneva, January 2012, entitled, Violations of the Rights of Ethnic and Religious Minorities in the Socialist Republic of Vietnam, stated:
- ‘The Vietnamese government has made considerable efforts to reduce poverty across all population groups, yet the ethnic minorities remain amongst the poorest and most vulnerable citizens of Vietnam, and wealth disparities are increasing alarmingly. Whilst ethnic minorities accounted for only 18% of those living in poverty in 1990, they averaged 56% of poor people by 2008, and over 80% within some groups. According to the World Bank, the extreme poverty rate for ethnic minority groups in 2008-9 was 29%, over nine times that of the Kinh, and wealth disparity between ethnic minorities and the Kinh majority has more than doubled over the past decade.’<sup>24</sup>

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<sup>20</sup> US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, (Section 6 - National/Racial/Ethnic Minorities), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220244#wrapper>, date accessed 11 September 2014

<sup>21</sup> US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, (Section 6 - National/Racial/Ethnic Minorities), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220244#wrapper>, date accessed 11 September 2014

<sup>22</sup> US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, (Section 6 - National/Racial/Ethnic Minorities), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220244#wrapper>, date accessed 11 September 2014

<sup>23</sup> Minority Rights Group International, State of the World’s Minorities and Indigenous Peoples 2011, 6 July 2011, <http://www.refworld.org/docid/4e16d3592c.html>, date accessed 11 September 2014

<sup>24</sup> The Vietnam Committee on Human Rights (VCHR) <http://www.queame.net/eng/about.php>, Violations of the Rights of Ethnic and Religious Minorities in the Socialist Republic of Vietnam, Report by Vietnam Committee on Human Rights Member Organisation of the International Federation for Human Rights (FIDH) Geneva, January 2012, (p6), [http://www.fidh.org/IMG/pdf/vchr\\_vietnam\\_cerd80.pdf](http://www.fidh.org/IMG/pdf/vchr_vietnam_cerd80.pdf), date accessed 11 September 2014

## 2.4 Degar / Montagnard

### 2.4.1 The Minority Rights Group International, Word Directory of Minorities and Indigenous Peoples: Vietnam, undated, described that:

‘There are two categories of what are sometimes referred to as ‘highlanders’: those minorities and indigenous peoples concentrated in the central highlands of Vietnam, and those found in the country's north highlands, located beyond the Red River to the north. Both are made up of a large number of quite distinct ethnic groups and have migrated into today's Vietnam at various points in history. The former are collectively sometimes known as Degar, or Montagnards, a term which is a carry-over from the French colonial period...

‘The Montagnards can be subdivided into (at least) 30 or so different ethnic groups speaking different languages belonging mainly to the Austronesian language family (such as the Gia Rai, Ede, Rag Lai and Cham), and Mon-Khmer language groups (including the Ba Na, Bru-Van Kieu, Gie Trieng, M'Nong, Xe Dang and X Tieng). Many consider these populations to be indigenous, having preceded the arrival of the ethnic Kinh, and most of their societies are matrilineal. Some of the Montagnard groups, such as the Ede and Bahnar, include a significant number of Catholic or Protestant believers. The main groups in this category are the Jarai, Rhade, Bahnar, Koho, M'Nong and Stieng.

‘The exact numbers of these two categories are a matter of some dispute: the Montagnards of the central highlands probably number between 1 and 2 million, whereas the groups from the northern highlands are more numerous, with several of the largest minorities such as the Tay, Tai, Muong and Nung each exceeding or in the vicinity of 1 million.’<sup>25</sup>

### 2.4.2 The Montagnard Foundation's Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) for its 80th Session Review of Viet Nam, February 2012, stated that, ‘The Vietnamese government has long discriminated against Degar Montagnard people and implemented arrests and imprisonment upon our people for non violent offences. Vietnam has conducted most of the sentencing of Degar Montagnards in closed secret one day trials.’<sup>26</sup>

### 2.4.3 The same report further noted that:

‘Since the year 2000 until the present time, thousands of Degar Montagnards have been arrested, in what can be described as a policy of “arrest, torture, threaten and release” by Vietnamese security forces of whose intent is to repress the Degar population. Many Degars however are not released, being sentenced to prison terms and others die from torture and abuse for non violent peaceful activities. In recent years the Vietnamese government has intensified surveillance and paramilitary operations in the Central Highlands with the intent to crush both the spread of house Church Christianity and the Degar population from seeking legitimate redress for human rights abuses. Such arrests involved threats and torture, including beatings designed to deliberately cause death from internal injuries, electric shock torture and outright killings of indigenous Degar people for religious and non-violent political human rights activities.’<sup>27</sup>

<sup>25</sup> Minority Rights Group International, Word Directory of Minorities and Indigenous Peoples: Vietnam, Highland Minorities, undated,

<http://www.minorityrights.org/2322/vietnam/highland-minorities.html>, date accessed 2 October 2014

<sup>26</sup> Montagnard Foundation, Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) for its 80th Session Review of Viet Nam, February 2012, (p4),

[http://www2.ohchr.org/english/bodies/cerd/docs/ngos/MFI\\_VietNam\\_CERD80.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/ngos/MFI_VietNam_CERD80.pdf), date accessed 6 October 2014

<sup>27</sup> Montagnard Foundation, Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) for its 80th Session Review of Viet Nam, February 2012, (p5),

[http://www2.ohchr.org/english/bodies/cerd/docs/ngos/MFI\\_VietNam\\_CERD80.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/ngos/MFI_VietNam_CERD80.pdf), date accessed 6 October 2014



2.4.4 The Unrepresented Nations and Peoples Organization (UNPO) Submission to the UN Office of the High Commissioner for Human Rights, for the 18<sup>th</sup> Universal Periodic Review: Vietnam, considered in February 2014, reported with regards to the indigenous Degar Montagnard people that:

‘Their support of the United States during the Vietnam war has resulted in continuing animosity, including Degar Montagnards often being labelled as ‘moi’ or savages, or threats to national security. Large populations of Degar Montagnards in Vietnam are prohibited from practicing their Protestant Christianity outside State-sanctioned churches, which puts communities and families at risk of unlawful detainment, torture, and extrajudicial killings... Denying their land claims are a tool the Vietnamese government uses to marginalize the Montagnards. Arrests made under the auspices of maintaining order during demonstrations are used as a tactic of instigating fear amongst the Montagnards in order to prevent further land claims being launched.’<sup>28</sup>

2.4.5 The US State Department (USSD) International Religious Freedom Report 2013: Vietnam, published on 28 July 2014, stated:

‘The government continued to say some Montagnards, an ethnic minority in the Central Highlands, were operating Protestant organizations which advocated separatism for ethnic minorities. The SECV [Southern Evangelical Church of Vietnam] and house churches in the provinces of Dak Lak, Gia Lai, Kon Tum, Binh Phuoc, Phu Yen, and Dak Nong continued to experience government scrutiny because of perceived association with separatist groups overseas. Followers of the unsanctioned Church of Christ reported local authorities in the Central Highlands provinces had harassed and persecuted them. They said police had pressured the followers to abandon the church, and that police stated the church was connected with FULRO (Front Unifié pour la Libération des Races Opprimées), which the government considers a minority separatist organization.’<sup>29</sup>

2.4.6 The 2013 United States Commission on International Religious Freedom report noted that:

‘The central government continues to assert that some Montagnards operate an illegal “Dega” church seeking the creation of an independent Montagnard state. A “religious police” unit (A41) continues to monitor “extremist” groups and a Special Task Force of the Mobile Intervention Police (Unit PA43) operates in the Central Highlands, assisting local police in detaining and interrogating suspected Dega Protestants or Ha Mon Catholics. (The latter group started in the Ha Mon village of Kontum province and is viewed by officials as the Catholic equivalent of Tin Lanh Dega.) Unit PA43 and provincial police are in the midst of a three-year campaign to capture and transform both “reactionary operatives” and “Dega Protestants.” These campaigns have led to beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the Tin Lahn Dega.’<sup>30</sup>

<sup>28</sup> Unrepresented Nations and Peoples Organization (UNPO), Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam, undated, <http://unpo.org/downloads/796.pdf>, date accessed 11 September 2014

<sup>29</sup> US State Department (USSD), International Religious Freedom Report 2013: Vietnam 28 July 2014, (Section II. Status of Government Respect for Religious Freedom – Government Practices) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222181#wrapper>, date accessed 1 August 2014

<sup>30</sup> United States Commission on International Religious Freedom (USCIRF), Annual report on religious freedom (covering 31 January 2012 to 31 January 2013), 30 April 2013, [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf) date accessed 10 October 2014

2.4.7 The UNPO report of March 2014 also stated that, ‘... the Dega Church has been labeled as an organization that supposedly calls for separatism and is supported by violent groups, which allows the police to have even more discretionary powers in using the repressive national security provisions. The provincial police of the Central Highlands, with the approval of the central government, has been conducting campaigns to reduce the number of new converts to Dega Protestantism and to force current believers to recant.’ It further notes that Dega Christians have been detained, abused and tortured.<sup>31</sup>

2.4.8 The USCIRF - Annual Report 2014, recorded that in May 2013 ‘... eight ethnic minority Montagnard members of an independent Catholic movement were sentenced to between 3 and 11 years in prison for “undermining unity” and “sowing ethnic and religious hatred” for protesting against the relocation of their village in Gia Lai province. The Bishop of Kontum repeatedly has been denied access to the areas where the men reside.’<sup>32</sup>

2.4.9 The Human Rights Watch (HRW) report, Montagnard Christians in Vietnam, A Case Study in Religious Repression, March 2011 stated:

‘Montagnards, who traditionally followed animist religious practices, began to convert to Christianity in the 1950s and 1960s. With the North Vietnamese victory in 1975, Catholic and Protestant churches in the Central Highlands were closed and many Montagnards, including pastors, were imprisoned. Some Montagnards went underground and joined the highland resistance army known as the United Front for the Liberation of Oppressed Races (FULRO), which fought on the side of United States and South Vietnamese forces during the Vietnam War. As FULRO’s fighting capacity steadily dwindled in the late 1980s and early 1990s, many Montagnards converted - or returned to - Christianity as they abandoned armed struggle.

‘During the 1990s, increasing numbers of Montagnards joined unofficial Christian house churches.

‘In 2000 an activist Montagnard church movement - Tin Lanh Dega, or Dega Protestantism - emerged in the Central Highlands that combined evangelical Christianity with aspirations for greater political freedom, protection of ancestral lands, and for some, autonomy or self-rule. Less than one year later, in February 2001, unprecedented mass protests broke out in all four provinces of the Central Highlands. Thousands of Montagnards marched on the provincial towns to demand the return of ancestral lands and religious freedom.’<sup>33</sup>

2.4.10 The HRW Report further noted: ‘The Vietnamese government has launched a series of crackdowns during the last 10 years to suppress political organizing and independent religious activities among Montagnard Christians. Elite security units have hunted down and arrested Montagnard activists in hiding and sealed off the border with Cambodia to prevent asylum seekers from fleeing the country. During these crackdowns, authorities have committed clear-cut violations of fundamental rights, including arbitrary arrest, imprisonment, and torture. Officials have employed coercion to pressure Montagnards to

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<sup>31</sup> Unrepresented Nations and Peoples Organization (UNPO) <http://unpo.org/>, Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014 [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

<sup>32</sup> United States Commission on International Religious Freedom (USCIRF), Annual report on religious freedom (covering 31 January 2013 to 31 January 2014), 30 April 2014, (p104 – Central Highlands), [http://www.uscifr.gov/sites/default/files/USCIRF\\_2014\\_Annual\\_Report\\_PDF.pdf](http://www.uscifr.gov/sites/default/files/USCIRF_2014_Annual_Report_PDF.pdf), date accessed 1 August 2014

<sup>33</sup> Human Rights Watch (HRW), Montagnard Christians in Vietnam, A Case Study in Religious Repression, March 2011, (p3-4), <http://www.hrw.org/node/97632>, date accessed 11 September 2014

renounce their religion and pledge their loyalty to the government and the Communist Party of Vietnam. Police have used excessive force to dispel largely peaceful protests, resulting in the deaths of as many as eight Montagnards during demonstrations in April 2004 as well as injuries and deaths of others during arrest and in police custody. At various times, restrictions have been placed on travel within the highlands, on public gatherings, and on telephone communication with the outside world.’<sup>34</sup>

2.4.11 The Montagnard Foundation’s Alternative Report to the Committee on the Elimination of Racial Discrimination, stated that,

‘... the ongoing allegations and personal testimony of Degar Montagnard people indicate that abuse has occurred and continues today in 2012 and such abuse includes forced surgical sterilization. Previously in 2001 the Montagnard Foundation documented over 1000 cases of Degar Montagnard women who were surgically sterilized by the Vietnamese authorities through force, coercion, bribery, threats of fines or imprisonment. In fact the names and details were published on the Montagnard Foundation website. The Montagnard Foundation also reported that the Vietnamese army had assisted medical teams to force entire Montagnard villagers at gunpoint to attend propaganda meetings where they were threatened to get surgically sterilized. Young Degar girls also reported they were forced to receive injections that they were told prevents them from getting pregnant. The Montagnard Foundation even compiled the names of approximately 40 young Montagnard girls from the village of Buan Plek who have been recently detained at various times by medical teams, which had injected them with some “unknown substances”. The medical teams had made statements that these injections prevent pregnancies and it was reported that soldiers intimidated and threatened the girls to undergo these injections. It is highly probably these injections were the hormonal contraceptive drug “Depo Provera”.’<sup>35</sup>

2.4.12 Minority Rights Group report on the State of the World's Minorities and Indigenous Peoples 2014, stated that, ‘It is not uncommon for religious minorities to be assaulted or detained by the authorities for holding prayer vigils or other protests against alleged land encroachments or religious rights abuses.’<sup>36</sup>

2.4.13 The Society for Threatened People’s also recorded that:

‘In November 2013, the government sentenced four ethnic minority Montagnard members of the Ha Mon Catholic movement to between six months and nine years in prison for ‘undermining national unity’. The police and local officials in Kontum and Dak Lak province continue their campaign to prevent the growth of the Ha Mon Catholic community. In recent years, the Vietnamese government has tried to stop the growth of Protestantism in the Northwest provinces. Religious leaders reported increased threats and restrictions on evangelism and pressure on new converts to recant their faith.’<sup>37</sup>

2.4.14 In its March 2014 alternative report to the UN Committee on the Economic, Social and Cultural Rights, the UNPO highlighted that:

<sup>34</sup> Human Rights Watch (HRW), Montagnard Christians in Vietnam, A Case Study in Religious Repression, March 2011, (p5 - 2001-2011: Cycles of Repression), <http://www.hrw.org/node/97632>, date accessed 11 September 2014

<sup>35</sup> Montagnard Foundation, Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) for its 80th Session Review of Viet Nam, February 2012, (p6), [http://www2.ohchr.org/english/bodies/cerd/docs/ngos/MFI\\_VietNam\\_CERD80.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/ngos/MFI_VietNam_CERD80.pdf), date accessed 6 October 2014

<sup>36</sup> Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014, 3 July 2014 <http://www.minorityrights.org/download.php?id=1382>, date accessed 9 October 2014

<sup>37</sup> Society for Threatened Peoples, Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human Rights Council; Human Rights Situation in Viet Nam [A/HRC/26/NGO/60], 4 June 2014 [http://www.ecoi.net/file\\_upload/1930\\_1403702993\\_g1404200.pdf](http://www.ecoi.net/file_upload/1930_1403702993_g1404200.pdf), date accessed 10 October 2014

'The Vietnamese government has continuously maintained high security measures in the Central and Northern Highlands as a response to alleged separatist activities by indigenous and minority groups. Local police forces have increasingly arrested and detained ethnic Degar and Hmong due to allegations that their protestant faith and churches are enticing separatism.

'In addition to language barriers and bans on publications in local or minority languages, indigenous and minority children have faced harassment and discrimination in the classroom by teachers and school officials. For instance, in 2011 a Degar student was barred access to her school because her parents had refused to affiliate with a State-sanctioned church. Reports have also indicated that even though according to Vietnamese law education is supposed to be free for everyone, certain communities, including the Degar, Hmong and Khmer Krom, are being charged for school fees.' <sup>38</sup>

2.4.15 The JS2 submission to the UN Human Rights Council [submitted by: Council of Indigenous Peoples in Today's Vietnam (CIP-TVN), Montagnard Human Rights Organisation (MHRO), Supreme National Council of Kampuchea-Krom (SNC-KK), and International Office of Champa] stated that:

'... the Government continued to arrest, torture and jail Montagnard Christians. There were currently over 400 Montagnard Christians in prison for their religious or political beliefs. Between 2001 and 2004, over 400 Montagnard house churches were destroyed, and hundreds of Montagnards were arrested and imprisoned for their participation in demonstrations that objected to the policy of land confiscation and religious rights. Most of these house churches remained closed and practically all Montagnard prisoners remained in detention to date.' <sup>39</sup>

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## 2.5 Hmong

2.5.1 Describing the Hmong ethnic group, the Britannica Encyclopaedia online, noted that they predominately resided in China and Southeast Asia and spoke Hmong, one of the Hmong-Mien languages (also known as Miao-Yao languages). <sup>40</sup> Adding that:

'Since the late 18th century, the Hmong alone among the Miao groups have slowly migrated out of the southern provinces of China, where about 2.7 million still remain. See also China: People. Some 1.2 million have moved into the rugged uplands of northern Vietnam, Laos, Thailand, and the eastern parts of Myanmar (Burma). More than 170,000 live in the United States and nearly 20,000 more in France (15,000), Australia (2,000), French Guiana (1,500), Canada (600), and Argentina (600). (See Researcher's Note: Hmong population figures and self-name.)' <sup>41</sup>

<sup>38</sup> Unrepresented Nations and Peoples Organization (UNPO), Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014 [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

<sup>39</sup> UN Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 7 November 2013, paragraph 77 <http://www.refworld.org/pdfid/52f1fd734.pdf> date accessed 10 October 2014

<sup>40</sup> Britannica Encyclopaedia online, Hmong, undated, <http://www.britannica.com/EBchecked/topic/1364757/Hmong>, date accessed 11 September 2014

<sup>41</sup> Britannica Encyclopaedia online, Hmong, undated, <http://www.britannica.com/EBchecked/topic/1364757/Hmong>, date accessed 11 September 2014



- 2.5.2 The Vietnam Online Travel and Living Guide, undated, described in their background information on the H'mong ethnic group, accessed on 15 September 2014, that:
- 'H'mong people are an important member in the community of ethnic minorities in Vietnam with about one million people, ranked 8th among 54 Vietnamese ethnics. They often occupy the upland areas, from 800-1500m above the sea level, mostly in the Northwest and a few in the central highland of Vietnam. You can easily spot them in Ha Giang, Lao Cai, Sa Pa, Lai Chau, Son La and several other provinces. Their language family is Hmon-Mien, yet the language is a non-written one.'<sup>42</sup>
- 2.5.3 In May 2011 thousands of ethnic Hmong people in Vietnam held a protest calling for autonomy in a 'rare outbreak of unrest', a local official told the BBC. A BBC report from that time recorded that, 'The Dien Bien region is one of Vietnam's poorest areas, with Hmong people living on less than \$100 (£60) a year. It is also remote and mountainous, making it difficult to verify reports. The demands of the protesting Hmong - who are mostly Christians - include more religious freedom, better land rights and more autonomy.'<sup>43</sup>
- 2.5.4 UNPO reported that in May 2011, that, 'Hmong villagers peacefully demonstrating for religious freedom were violently suppressed by Vietnamese security forces using ground attack helicopters; dozens of protesters were reportedly killed.'<sup>44</sup> The 2013 USCIRF further noted that suspicion of Hmong religious activity has increased since the May 2011 clashes when thousands of Hmong Protestants gathered for a religious event. Vietnamese officials blamed the gathering on Hmong 'wanting to set up a separate state covering parts of Vietnam, Laos, China, and Burma.' The same report notes that the authorities refuse to issue identity cards to ethnic minority Protestants in northern Vietnam that recognize their Protestant religious affiliation, without which they cannot receive government benefits.<sup>45</sup>
- 2.5.5 Reporting on prisoners of conscience, the US Commission on International Religious Freedom (USCIRF) Annual report (covering 31 January 2012 to 31 January 2013), published 30 April 2013, recorded that, 'In March 2012, eight Hmong Protestants were sentenced to two years' imprisonment for "partaking in a separatist ethnic movement." They were arrested in May 2011 at a large religious gathering forcibly disbanded by police and military units.'<sup>46</sup>
- 2.5.6 The Minority Rights Group report on the State of the World's Minorities and Indigenous Peoples 2014, stated that, 'Christian organizations reported that over 50 Christians, including pastors and community leaders, were arrested in 2013, with one Hmong church

<sup>42</sup> Vietnam Online, Travel and Living Guide: Vietnam, <http://www.vietnamonline.com/az/hmong-people.html>, date accessed 15 September 2014

<sup>43</sup> British Broadcasting Corporation (BBC), Vietnam: Ethnic Hmong 'in mass protest in Dien Bien', 4 May 2011, <http://www.bbc.co.uk/news/world-asia-pacific-13284122>, date accessed 11 September 2014

<sup>44</sup> Unrepresented Nations and Peoples Organization (UNPO) <http://unpo.org/>, Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014 [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx) date accessed 9 October 2014

<sup>45</sup> United States Commission on International Religious Freedom (USCIRF) <http://www.uscifr.gov/>, Annual report on religious freedom (covering 31 January 2012 to 31 January 2013), 30 April 2013 [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf), date accessed 10 October 2014

<sup>46</sup> United States Commission on International Religious Freedom (USCIRF), Annual report on religious freedom (covering 31 January 2012 to 31 January 2013), 30 April 2013, (p199 - Prisoners of Conscience), [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf), date accessed 11 September 2014

elder reportedly dying in police custody.’<sup>47</sup> Christian Solidarity Worldwide reports that, ‘The family of Hoang Van Ngai, the Hmong Christian who died in police custody on 17 March [2013], was notified in mid-May that the Vietnamese authorities’ investigation confirmed his death was caused by suicide by self-electrocution. However, the family believes that he was killed extra-judicially because of his defence of his church and determination to stand up to corrupt local officials.’ Ngai’s brother, who was arrested with him on 15 March heard the sound of violent beating coming from his brother’s cell on 17 March and photographs of Ngai’s corpse show severe bruising which was not there before he was detained.<sup>48</sup>

2.5.7 In March 2014, Radio Free Asia highlighted that the authorities in Cao Bang, Bac Kan, Thai Nguyen, and Tuyen Quang provinces were seeking to force Hmong Christians to return to old burial practices by demolishing shared funeral storage facilities and that, ‘Officials in the Northern Highlands have cracked down on reformed burial practices in recent years, launching a campaign to force Hmong Christians to return to old traditions involving expensive, week-long funerals.’ According to the article, after a number of Hmong villages rebuilt their funeral storage facilities, the authorities sent in plainclothes police in 2013 to destroy the facilities and arrested a number of Hmong. In October and November 2013, at least eight Hmong who supported reforming burial practices were arrested as they protested for freedom of religion and belief.<sup>49</sup> The Society for Threatened Peoples also noted that in March 2014 three Hmong Christians were arrested, ‘who were subsequently sentenced to 15, 18 and 21 months in jail for defying a government campaign, thereby forcing the ethnic minority to return to older funeral practices.’<sup>50</sup>

2.5.8 In its March 2014 Alternative report to the UN Committee on the Economic, Social and Cultural Rights, UNPO reported that:

‘The government has viewed the growth of Protestantism among the Hmong with suspicion and has employed campaigns aimed at reducing its spread. Hmong Protestantism continues to be unrecognized by the government and remains illegal, despite the fact that over 600 Hmong churches are seeking affiliation and recognition by the authorities.’ It further noted that, ‘only 37.7% of the Hmong population is able to read and write. Only 69.7% of Hmong children are enrolled in primary school and 34.1% in lower secondary schools, which is remarkably low taking into account that ethnic Kinh enjoy a 97% enrollment rate for primary schools and 86.7% for lower secondary education. [...] Reports have also indicated that even though according to Vietnamese law education is supposed to be free for everyone, certain communities, including the Degar, Hmong and Khmer Krom, are being charged for school fees.’<sup>51</sup>

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<sup>47</sup> Minority Rights Group International, State of the World’s Minorities and Indigenous Peoples 2014, 3 July 2014 <http://www.minorityrights.org/download.php?id=1382>, date accessed 9 October 2014

<sup>48</sup> Christian Solidarity Worldwide, Vietnam: police claim suicide in disputed case of Hmong Christian who died in police custody, 11 June 2013 <http://dynamic.csw.org.uk/article.asp?t=press&id=1544&search>, date accessed 10 October 2014

<sup>49</sup> Radio Free Asia, Tight Security as Vietnamese Court Orders Two More Hmongs Jailed, 20 March 2014, <http://www.rfa.org/english/news/vietnam/security-03202014141231.html>, Date accessed 10 October 2014

<sup>50</sup> Society for Threatened Peoples, Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human Rights Council; Human Rights Situation in Viet Nam [A/HRC/26/NGO/60], 4 June 2014 [http://www.ecoi.net/file\\_upload/1930\\_1403702993\\_g1404200.pdf](http://www.ecoi.net/file_upload/1930_1403702993_g1404200.pdf), date accessed 10 October 2014

<sup>51</sup> Unrepresented Nations and Peoples Organization (UNPO) <http://unpo.org/>, Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014 [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

## 2.6 Khmer Krom

2.6.1 The indigenous Khmer Krom were described by the UNPO in the Submission to the UN Office of the High Commissioner for Human Rights as residing in the southwest region of Vietnam, primarily in the Mekong Delta. Noting that, 'Following the decline of the Khmer Krom empire in the 15th century, Vietnamese policies focused on displacing Khmer Krom communities and weakening their cultural identity by forcing intermarriage and replacing all traditional Khmer names by Vietnamese ones.'<sup>52</sup> Adding that:

'Therevada Buddhism has been classified as a religious organization rather than a religion, thus stripping its practitioners of important protections, such as reading relevant religious material, like Khmer-language books and publications, or holding such materials in the libraries. Systematic religious discrimination has reached proportions where it can be termed 'policy' and incidents of harassment of Buddhist monks and vandalism on their places of worship are rampant. Cultural and religious holidays are not allowed in schools or elsewhere, while the temples, serving as the centres of Khmer Krom culture, are systematically destroyed.' UNPO also reported that arrested individuals are, 'routinely held incommunicado, without access to legal representation and sometimes even family members, during their pre-trial detention period, which can last from three months to more than one year.'<sup>53</sup>

2.6.2 The United States Commission on International Religious Freedom (USCIRF) Annual report on religious freedom (covering 31 January 2012 to 31 January 2013), 30 April 2013, stated:

'The Vietnamese government's ongoing restrictions on the language, culture, and religion of ethnic Khmer living in Vietnam has led to rising resentment in the Mekong Delta, where as many as one million ethnic minority Khmer Buddhists live. Some Khmer Buddhists have called for a separate religious organization, distinct from the government-approved VBS. Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.'<sup>54</sup>

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<sup>52</sup> Unrepresented Nations and Peoples Organization (UNPO), Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam, undated <http://www.unpo.org/downloads/796.pdf>, date accessed 11 September 2014

<sup>53</sup> Unrepresented Nations and Peoples Organization (UNPO), Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam, undated <http://www.unpo.org/downloads/796.pdf>, date accessed 11 September 2014

<sup>54</sup> United States Commission on International Religious Freedom (USCIRF), Annual report on religious freedom (covering 31 January 2012 to 31 January 2013), 30 April 2013, (p202-203 - Khmer Buddhists), [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf), date accessed 11 September 2014

<sup>55</sup> United States Commission on International Religious Freedom (USCIRF), Annual report on religious freedom (covering 31 January 2012 to 31 January 2013), 30 April 2013, (p202-203 - Khmer Buddhists), [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf), date accessed 11 September 2014

2.6.3 In an article by Radio Free Asia (RFA) in May 2013 it reported, 'More than 1 million Khmer Krom live in southern Vietnam's lower Mekong delta region, which Cambodians sometimes call "Kampuchea Krom," or "Lower Cambodia." As Khmers, they are ethnically similar to most Cambodians, and are considered outsiders in Vietnam, where they face social persecution and strict religious controls.'

<sup>56</sup>

2.6.4 The USSD International Religious Freedom Report 2013 stated that, 'On May 20, police arrested Thach Thuol and Lieu Ny, Khmer Krom Buddhist monks of a Theravada pagoda in Soc Trang province, along with Thach Phum Rich and Thach Tha, as they attempted to cross into Cambodia. The four had criticized the Vietnamese government's treatment of the Venerable Ly Chanh Da. On September 27, a court sentenced Thach Thuol to six years and Lieu Ny to four years in prison for "fleeing abroad to act against the people's administration.'

<sup>57</sup>

2.6.5 The USCIRF Annual report 2013, further stated that:

'Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture... In the past year, provincial and VBS [Vietnam Buddhist Sangha] officials raided the Tra Set temple in Soc Trang province and defrocked or tried to defrock monks. The temple was home to several of the monks arrested during the 2007 demonstrations. In July 2012, VBS [Vietnamese Buddhist Sangha] officials and police defrocked Thach Thuol, who had refused to defrock a fellow monk who he believed was falsely accused of sexual assault. In November 2012 the VBS also sought to defrock the temple's new abbot, Venerable Lieu Ny, for breaking undisclosed VBS rules. The abbot has been staying inside the temple since that time. Officials reportedly have summoned lay members of the Tra Set temple's management committee and offered them money to accuse Ven. Lieu Ny and Ven. Thach Thoul of sexual improprieties.'

<sup>58</sup>

2.6.6 The UNPO March 2014 report further noted that:

'On May 16, 2013, according to eyewitnesses, Venerable Ly Chanh Da was arrested, gagged, tied up, placed in a tightened sack, and thrown in the back of a pickup truck of the police force. He was later released with bruises, concussion, bleeding, and left unconscious. Venerable Ly Chanh Da simply wanted to open a class teaching Khmer language in his temple. On the same day, several Khmer-Krom Buddhist followers arrived at the temple to show support to Venerable Ly Chanh Da, but were arrested. They were each convicted and imprisoned based on the alleged crime of creating "public disorder". The following Khmer-Krom prisoners of religious defenders and activists were sentenced and are being held in the prisons in Kampuchea-Krom: Lam Thi Loan (1 year in prison), Ly Thi Danh (1 year in prison), Ly Minh Hai (11 months in prison), Tang Pha Phola (10 months in prison), Thach Phum Rich (3 years in prison) and Tra Quanh Tha (2 years in prison).'

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<sup>56</sup> Radio Free Asia (RFA), Khmer Krom in Cambodia Mark Loss of Their Homeland, 4 June 2013, <http://www.rfa.org/english/news/cambodia/krom-06042013182202.html>, date accessed 11 September 2014

<sup>57</sup> US State Department (USSD), International Religious Freedom Report 2013: Vietnam, 28 July 2014, (Section II. Status of Government Respect for Religious FreedomShare – Government Practices) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dld=222181#wrapper>, date accessed 1 August 2014

<sup>58</sup> United States Commission on International Religious Freedom (USCIRF), Annual report on religious freedom (covering 31 January 2012 to 31 January 2013), 30 April 2013, (p202 - Khmer Buddhists), <http://www.uscifr.gov/reports-briefs/annual-report>, date accessed 11 September 2014

<sup>59</sup> Unrepresented Nations and Peoples Organization (UNPO), Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014



#### 2.6.7 In 2014, USCRIF reported that the:

'Vietnamese authorities harassed Tra Set and Prey Chop temples, Soc Trang province, leading to detentions, defrockings, and several monks seeking asylum in third countries. Monks Lieu Ny, Thach Thuol, and Ly Chanh Da were detained and defrocked for being in contact with Khmer Krom organizations overseas. Monks Thach Thuol and Lieu Ny and several other monks from Ta Set pagoda are currently awaiting trial. Monk Ly Chanh Da is in hiding. Several worshippers at Prey Chop temple, who blocked police entrance, were detained for several months.'<sup>60</sup>

#### 2.6.8 The 2014 Minority Rights Group report recorded that, 'Buddhist monks from unrecognized sects were also brutally targeted by authorities in 2013. In June, two ethnic Khmer monks were forced to go into hiding after the authorities declared they had spread 'false information' about the government's treatment of the minority. A third monk was reportedly detained, stripped of his robes and thrown unconscious into the street, according to the Khmers Kampuchea-Krom Federation.'<sup>61</sup>

#### 2.6.9 In its March 2014 Alternative report to the UN Committee on the Economic, Social and Cultural Rights, the UNPO reported that Hmong, Degar and Khmer Krom have been 'victims of arbitrary arrests, police violence, forced evictions from their ancestral land and destruction of their religious objects, as well as lack of access to adequate healthcare, education in their own language and religious freedom.'<sup>62</sup> The 2013 Minority Rights Group report also notes that for the Khmer Krom community 'accessing basic health care can be problematic.'<sup>63</sup>

#### 2.6.10 The UNPO report further noted that:

'Vietnamese authorities have repressed land right activists and restricted the religious freedom of the Khmer Krom... One of the main reasons for the lack of education and dropout among the Khmer Krom are the restrictions placed on the use of Khmer language in schools and public places. Khmer children are unable to follow the school curriculum since the language of instruction is Vietnamese, and there is no assistance provided in the Khmer language... In addition to language barriers and bans on publications in local or minority languages, indigenous and minority children have faced harassment and discrimination in the classroom by teachers and school officials.'<sup>64</sup>

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[http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

<sup>60</sup> US State Department (USSD) <http://www.state.gov/>, International Religious Freedom Report 2013: Vietnam, 28 July 2014, (Section I. Religious Demography)

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222181#wrapper>, date accessed 9 October 2014

<sup>61</sup> Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014, 3 July 2014 <http://www.minorityrights.org/download.php?id=1382>, date accessed 9 October 2014

<sup>62</sup> Unrepresented Nations and Peoples Organization (UNPO), Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014

[http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

<sup>63</sup> Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2013, 24 September 2013, <http://www.minorityrights.org/download.php?id=1293>, date accessed 9 October 2014

<sup>64</sup> Unrepresented Nations and Peoples Organization (UNPO) <http://unpo.org/>, Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group, March 2014, [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx), date accessed 9 October 2014

## 2.7 Fear of persecution by Vietnamese authorities

2.7.1 The Human Rights Watch (HRW) World Report 2014: Vietnam, covering events of 2013, published 31 January 2014, stated:

‘Vietnam had an estimated 150-200 political prisoners at time of writing, including lowland Vietnamese and upland ethnic minority prisoners, some of whom were detained at least in part in connection with their religious activities. The total included at least 63 political prisoners convicted by politically controlled courts in 2013, an increase over the roughly 40 sentenced in 2012, which in turn exceeded the numbers sentenced in 2011 and 2010.

‘Vietnamese courts lack the independence and impartiality required by international law. Where the party or government has an interest in the outcome of a case, they - not the facts and the law - dictate the outcome. Trials are often marred by procedural and other irregularities that go along with achieving a politically pre-determined outcome.

‘The penal code provisions used most often against proponents of peaceful political change are articles 79, 87, 88, 89, 91, and 258, though other laws, such as tax laws, are also used. For example, prominent human rights lawyer and blogger Le Quoc Quan was arrested on December 27, 2012, shortly after he criticized the Communist Party’s political monopoly, but his arrest was justified by trumped up charges of tax evasion. Following domestic and international calls for him to be released, his trial was delayed but on October 2, 2013, he was sentenced to 30 months’ imprisonment.’<sup>65</sup>

The [Penal code](#) can be accessed through the Vietnam Ministry of Justice Portal.<sup>66</sup>

2.7.2 The HRW report further added, ‘Official media and other sources continue to report many cases of police abuse, torture, or even killing of detainees... Many political prisoners suffer from poor health but do not receive adequate medical attention.’<sup>67</sup>

## 2.8 Freedom of movement

2.8.1 The US State Department’s 2013 Country Report on Human Rights Practices (USSD Report 2013), Vietnam, published on 27 February 2014, noted that:

‘The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of certain individuals. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing

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<sup>65</sup> Human Rights Watch (HRW), World Report 2014 (Events of 2013), 21 January 2014, p400, [http://www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf), date accessed 6 October 2014

<sup>66</sup> Ministry of Justice Portal, 1999 Penal code, [http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View\\_Detail.aspx?ItemID=610](http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=610), date accessed 7 November 2014

<sup>67</sup> Human Rights Watch (HRW), World Report 2014 (Events of 2013), 21 January 2014, p402, [http://www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf), date accessed 6 October 2014

protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

'Local government authorities did not hinder the UNHCR fact-finding and monitoring visits to the Mekong Delta, Hue, Da Nang, and the Northwest Highlands. Provincial governments generally continued to honor their obligations to reintegrate peacefully ethnic minority returnees from Cambodia.'<sup>68</sup>

## 2.8.2 The USSD further added that:

'Several political dissidents, amnestied with probation or under house arrest, were officially restricted in their movements. These included Le Cong Dinh, Pham Hong Son, Nguyen Van Dai, Nguyen Phuong Uyen, and Dinh Nhat Uy.

'A government restriction regarding travel to certain areas requires citizens and resident foreigners to obtain a permit to visit border areas; defense facilities; industrial zones involved in national defense; areas of "national strategic storage"; and "works of extreme importance for political, economic, cultural, and social purposes."

'Local police require citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts. Foreign passport holders must also register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family.

'Authorities did not broadly implement this residence law, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons seeking legal residence permits, public education, and health-care benefits.'<sup>69</sup>

## 2.8.3 The November 2013 OHCHR compilation to the Human Rights Council noted that, 'CERD [Committee on the Elimination of Racial Discrimination in 2012] was concerned at the household registration system (hộ khẩu), which discriminated against ethnic minorities belonging to "unrecognized" religious groups in employment, social security, health services, education and the right to freedom of movement.'<sup>70</sup>

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<sup>68</sup> US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, (Section 2 - Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220244#wrapper>, date accessed 6 October 2014

<sup>69</sup> US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, (Section 2 - Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220244#wrapper>, date accessed 6 October 2014

<sup>70</sup> UN Human Rights Council, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21; Viet Nam [A/HRC/WG.6/18/VNM/2], 7 November 2013, paragraph 28, [http://www.ecoi.net/file\\_upload/1930\\_1391082200\\_g1318445.pdf](http://www.ecoi.net/file_upload/1930_1391082200_g1318445.pdf), date accessed 1 August 2014,

# Annex A: Map of Vietnam

Map of Vietnam (2009) sourced from the Encyclopædia Britannica Online<sup>71</sup>.



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<sup>71</sup> Encyclopædia Britannica Online, "Vietnam" Map, 2009, <http://www.britannica.com/media/full/61748>, date accessed 1 September 2014

# Change Record

Version	Date	Change References
1.0	December 2014	First version of country information and guidance.

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